

Remarks:

Claims 1-5, 7-11, 13-38, and 44-65 are pending in this application. Claims 26-38 and 44-63 have been withdrawn. The Office Action of April 13, 2006 (the Office Action) rejected all claims. Claims 1, 13, 18-22, 25, and 64-65 were rejected as anticipated under 35 U.S.C. § 102(b) by Unites States Patent No. 5,509,897 to Twardowski et al. (Twardowski). Claim 24 was rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski. Claims 2, 3, 5, 7, 9-11, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski in view of U.S. Patent No. 4,795,439 to Guest (Guest). Claims 4, 14-15, 17, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski in view of U.S. Patent No. 4,694,838 to Wijayarthna et al. (Wijayarthna). Finally, claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski in view of Guest further in view of Wijayarthna.

Applicants respectfully submit that their invention as claimed in claim 1 as currently amended is distinguishable from the cited prior art because, at a minimum, the cited prior fails to teach or suggest a catheter comprising a corkscrew-portion having at least two lumens with a plurality of holes in the catheter sidewall. As applicants' note in their disclosure, this provides an advantage by reducing potential impediments to fluid flow:

...to further minimize obstructions of the openings, at least a distal portion 26 of catheter 10 (or a distal portion of catheter 110) may be spirally formed into a corkscrew pattern defining a corkscrew-patterned portion, as shown in Figs. 2A and 2B, respectively.

Page 6, lines 22-25 of specification as filed.

35 U.S.C. § 102(b) and 35 U.S.C. § 103(a): Twardowski

Claims 1, 13, 18-22, 25, and 64-65 were rejected as anticipated under 35 U.S.C. § 102(b) by Unites States Patent No. 5,509,897 to Twardowski. Claim 24 was also rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski.

Twardowski teaches a multiple lumen catheter for hemodialysis. The device disclosed by Twardowski differs from applicants' invention as recited in amended claim 1, in at least one respect, because Twardowski fails to teach a multi-lumen corkscrew section. As Twardowski discloses, its corkscrew portion (described by Twardowski as "helical") is limited to its first port (discharge port) as shown in Fig. 1. Twardowski teaches that the portion 28 that "extends

distally beyond second port 26 is of substantially helical shape... ." Twardowski, col. 6, lines 20-25 (emphasis added). See also, Twardowski Figs 3-4.

Applicants respectfully submit that, because Twardowski lacks a teaching or suggestion of a catheter having a multi-lumen corkscrew portion, it fails to disclose each and every limitation of applicants' invention as recited by amended claim 1. Accordingly, Twardowski cannot serve as a proper basis for an anticipation rejection under § 102 of claim 1. Applicants respectfully submit that the rejection of claim 1 based upon Twardowski should be withdrawn. Moreover, because claims 13, 18-22, 25, and 64-65 depend directly or indirectly from claim 1 and incorporate the limitations of claim 1, Applicants respectfully submit that the Office Action's rejection of these claims should also be withdrawn. Likewise, because Twardowski does not teach or suggest the limitations of claim 1 and claim 24 incorporates the limitations of claim 1, applicants respectfully submit that Twardowski cannot serve as the basis of a single reference rejection under § 103. Applicants respectfully request that this rejection also be withdrawn.

35 U.S.C. § 103(a): Twardowski in view of Guest

Claims 2, 3, 5, 7, 9-11, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski in view of U.S. Patent No. 4,795,439 to Guest. The disclosure of Guest teaches a spiral multi-lumen catheter. As applicants have noted with respect to Twardowski, Guest also fails to teach or suggest a catheter incorporating a multi-lumen corkscrew section as recited in applicants' claim 1. In fact, Guest's disclosure does not teach or suggest a corkscrew portion at all. See Guest Figs. 1-2. Applicants respectfully submit, therefore, that because neither Twardowski nor Guest, singly or in combination, teach or suggest this limitation, their proposed combination is distinguishable from the catheter recited by applicants' claim 1. Claims 2, 3, 5, 7, 9-11, and 16 depend directly or indirectly from claim 1 and incorporate each of its limitations. Accordingly, the Office Action's proposed combination of these references cannot render applicants' claims 2, 3, 5, 7, 9-11, and 16 obvious. Applicants respectfully request the rejection of these claims be withdrawn.

35 U.S.C. § 103(a): Twardowski in view of Wijayarthna

Claims 4, 14-15, 17, and 23 were rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski in view of U.S. Patent No. 4,694,838 to Wijayarthna. The disclosure of Wijayarthna teaches a loop coronary catheter. The device disclosed by Wijayarthna, whose intended purpose appears to be delivery of contrast media for imaging coronary tissues, has just a single lumen. Wijayarthna does not teach or suggest a catheter incorporating a corkscrew portion having two or more lumens because it fails to teach multiple lumens at all. Applicants respectfully submit, therefore, that because neither Twardowski nor Wijayarthna, singly or in combination, teach or suggest a catheter with a corkscrew portion having multiple lumens, the Office Action's proposed combination of these references cannot render applicants' claim 1 obvious.

35 U.S.C. § 103(a): Twardowski in view of Guest Further in view of Wijayarthna

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Twardowski in view of Guest and further in view of Wijayarthna. As in the previous rejections, applicants respectfully submit that Twardowski, Guest, and Wijayarthna, taken singly or in combination, fail to teach or suggest a catheter incorporating a corkscrew patterned portion having multiple lumens as recited in applicants' claim 1. Claim 8 depends indirectly upon claim 1 and incorporates each of its limitations. Accordingly, the Office Action's proposed combination of Twardowski, Guest, and Wijayarthna cannot render claim 8 obvious. Withdrawal of this rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, applicants respectfully submit that pending claims 1-5, 7-11, 13-25, 64 and 65 are allowable over the cited art. A notice to this effect is respectfully requested.

Respectfully submitted,



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Dated: October 11, 2006

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